IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 1669 OF 2004

IN

ARBITRATION PETITION (L) NO. 409 OF 2003

IN

ARBITRATION CASE NO. 69/2002-2003

M/s. Globex Accessories. .. Applicant/petitioner

vs.

Hitesh Enterprises .. Respondent.

Mr. N. Ardeshar with Jayesh Vyas
i/by M/s. Bilawala & Co. for
respondents.

CORAM : S.U. KAMDAR, J.

DATE : 21ST DECEMBER, 2004

P.C. 1. By the present notice of motion the petitioners are seeking to set aside the order passed by the Prothonotary & Sr. Master seeking to dismiss the arbitration petition for non-removal of the office objection. The learned counsel for the respondent has filed their affidavit in reply dated 13.9.2004 and strongly opposed the notice of motion inter alia on the ground that there is serious negligence and there is serious suppression of

material facts. I do not find any reason why the present notice of motion should not be allowed. In accordance therewith I allow the present notice of motion and make the same absolute in terms of prayer clauses (a) and (b). The arbitration petition stands restored. Office objections to be removed within a period of one week from today.

2. The petitioner to pay cost of the application to the respondent quantified at Rs. 1000/- within two weeks from today.